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10/712,372	11/14/2003	Shiro Iwasaki	2003_1645A	9587

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WENDEROTH, LIND & PONACK, L.L.P.  
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WASHINGTON, DC 20006-1021

EXAMINER
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TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
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2621

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11/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/712,372

Applicant(s)

IWASAKI ET AL.

Examiner

Daniel Tekle

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed September 19, 2007 with respect to the rejection(s) of claim(s) 1-26 under Higashida et al. have been fully considered and are persuasive. Therefore, the 102e rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Veugen (**US 2006/0193607**)

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4 and 6-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashida et al. (**us 6,862,401**) further in view of Veugen (**US 2006/0193607**).

**Regarding Claim 1:** Higashida et al. discloses a recording apparatus for recording AV data containing at least one of audio data and video data, and recovery data for restoring management information for the AV data when AV data recording did not end normally (**column 2 lines 35-43**), except not pointing out the recording apparatus recording the recovery data interleaved with the AV data during AV data recording. However Veugen discloses "the HDD recording stage, proper multiplexing of the audio and video segment of the content takes place together with the insertion of empty

NavPack segments that at the HDD stage are being used as a recovery segment to transport metadata (**abstract**).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the proper multiplexing of audio/video with recovery segment of Veugen into Higashida et al. invention in order to maintain the quality of the content.

**Regarding Claim 2:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein the recovery data contains recording address information for the recorded AV data (**column 7 lines 40-50**).

**Regarding Claim 3:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein the recovery data contains file management information for the recorded AV data (**column 2 lines 35-55**).

**Regarding Claim 4:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein the recovery data contains playback time information for the recorded AV data (**column 7 lines 40-50**).

**Regarding Claim 6:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein recovery data address information indicating the location of a recovery data is stored in a predefined area (**column 7 lines 40-50**).

**Regarding Claim 7:** Higashida et al. discloses a recording apparatus as described in claim 6, wherein the recovery data address information comprises multiple banks (**column 6 lines 60-65**).

**Regarding Claim 8:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein recovery data address information indicating an address of the

recovery data is stored in a recovery data file of a predetermined name (**column 7 lines 40-50**).

**Regarding Claim 9:** Higashida et al. discloses a recording apparatus as described in claim 8, comprising multiple recovery data files (**column 7 lines 14-23**).

**Regarding Claim 10:** Higashida et al. discloses a recording apparatus as described in any of claims 6, wherein the recovery data address information includes a serial number or time information (**column 7 lines 40-50**).

**Regarding Claim 11:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein the recovery data is divided into at least two data segments that are recorded interleaved with the AV data when recording the AV data (**column 7 lines 14-23**). Higashida et al. did not mention the use of recovery data recorded interleaved with AV data; however Veugen discloses "the HDD recording stage, proper multiplexing of the audio and video segment of the content takes place together with the insertion of empty NavPack segments that at the HDD stage are being used as a recovery segment to transport metadata (**abstract**).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the proper multiplexing of audio/video with recovery segment of Veugen into Higashida et al. invention in order to maintain the quality of the content.

**Regarding Claim 12:** Higashida et al. disclose a recording apparatus as described in claim 11, wherein the segmented recovery data contains a recording address of previously segmented and recorded recovery data (**column 7 lines 40-50**).

**Regarding Claim 13:** Higashida et al. discloses a recording apparatus as described in claim 11, wherein the segmented recovery data contains difference information from previously segmented and recorded recovery data (**column 7 lines 40-50**).

**Regarding Claim 14:** Higashida et al. discloses a recording apparatus as described in any of claims 1, wherein the recovery data contains address information for next recovery data (**column 11 lines 49-56**).

**Regarding Claim 15:** Higashida et al. discloses a recording apparatus as described in any of claims 1, wherein identification information for distinguishing the recovery data from other recorded data is recorded with the recovery data (**column 7 lines 40-50**).

**Regarding Claim 16:** Higashida et al. disclose a recording apparatus as described in any of claims 1, except did not mention, wherein the recovery data is interleaved with AV data of a specific size; however Veugen discloses EMX 112 in the invention takes into account the bit size and location of NavPacks (**paragraph 0018 lines 9-11**).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the size and location of Navpacks of Veugen into Higashida et al. invention in order to maintain the quality of the content.

**Regarding Claim 17:** Higashida et al. disclose a recording apparatus as described in claim 1, wherein address information denoting where the recovery data is recorded is stored in nonvolatile memory (**column 7 lines 13-25**).

**Regarding Claim 18:** Higashida et al. disclose a recording apparatus as described in claim 17, wherein the nonvolatile memory is removable (**figure 2**).

**Regarding Claim 19-24:** Claims 19-24 are rejected for the same subject matter as claims 1, 6, 8, 11, 17 and 10 respectively.

**Regarding Claim 25-26:** Claims 25-26 are rejected for the same subject matter as claim 10.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higashida et al. (**US 6,862,401**).

**Regarding Claim 5:** Higashida et al. discloses all the claim limitation of claim 1, include the AV data is MPEG-encoded data (**column 2 lines 60-67**), except it did not point out the recovery data contains a start address for an I-picture in the recorded AV data; however it is well known in the art that MPEG standard has header to identify I-picture and therefore an official Notice is taken.

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporated the well known of I-picture header into Higashida et al. reference in order to accurately decode the compress video signal using the I-picture header.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Tekle

*Marsha D Banks-Harold*  
MARSHA D. BANKS-HAROLD  
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